

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-6670 of 2022 (O&M)

DECIDED ON: 27th April, 2022

Madan Lal

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Atul Lakhanpal, Sr. Advocate with
Mr. A.S. Lamba, Advocate for petitioner.

Ms. Dimple Jain, AAG Haryana.

AVNEESH JHINGAN, J (ORAL)

This petition under Section 439 Cr.P.C. is filed seeking regular bail in case of FIR No.13 dated 24.12.2021 under Sections 120-B, 166, 197, 198 of IPC, 1860 and Section 7 (Explanation 2) of PC Act, 1988, registered at Police Station SVB, Hisar, wherein Sections 204/418 IPC and Section 13(1)(A) and 13(2) of the PC Act, 1988 have been added.

The brief facts are that while purchasing the land no property I.D was got from Nagar Palika, Ratia. As per rules of local Nikay Department, Panchkula, in Urban area there is expenditure of Rs.600 of 1 sq. meter. In this way in 3532 sq. Gaj (2929.13 meter x 600) Rs. 17,57,468/- revenue has been evaded. In the same way in this sale/purchase of said Rakba Rs.70,000/ House tax is outstanding for the payment in Nagar Palika Ratia. If purchase is to be made in Urban area of more than 1000/- Sq. meter then No Due Certificate (NDC) is to be obtained from Director General of Local body (Nikay Vibhag) Department Panchkula, which has not been obtained. In aforesaid purchase Rakbavasi collector Rate of 11.25 marla as per code no. 14 is Rs.20,000/ per sq Gaj and Vasi Collector rate of 5 kanal 5.5 marla as per

code no. 31 is Rs. 3050 per sq. Gaj. Total Rakba is 3532 sq. Gaj whose total

valuation is 1,65,28,200/-. Upon this Rs.8,26,410/- stamp duty and Rs.50,000/- registration fees is made but Shri Bharat Bhushan SDM Ratia in collaboration with suspended Police Personnel Bala Singh while purchasing land in the name of his wife Smt. Sarika and Karamjeet Kaur w/o Bala Singh had misused his post, while purchasing the said land did not get prepared Property I.D from Nagar Palika which caused loss of Government Revenue to Nagar Palika Ratia of Rs.17,57,468/-, Rs.70,000/- of House Tax, Rs.5,96,410/- of stamp duty and Rs.25,000/- for registry fees total amounting Rs.26,53,878/-. During sale purchase of aforesaid Rakba Patwari Madanlal (petitioner) has shown Factory non-agricultural (sheller gair mumkin) as agricultural land in his report. There is still a building on that Rakba. While doing registry, Shri Bhajanlal Nayab Tehsildar Ratia has marked the registry to the registry clerk upon which registry clerk gave it back to Nayab Tehsildar a report that there is Factory sheller Gair Mumkin and no property I.D of Nagar Palika, even than Shri Bhajanlal Nayab Tehsildar on incomplete documents and ignoring report of Registry clerk did the registry of said Rakba at number 10429 dated 29.10.2021. Shri Bharat Bhushan S.D.M Ratia misusing his post and in connivance with Shri Bala Singh Property Dealer got done the registry of said Rakba in the name of his wife Smt. Sarika and Karamjeet Kaur w/o Bala Singh. But Shri Bharat Bhushan S.D.M. Ratia, according to rules and procedure in purchase of land, while purchasing the said land in the name of his wife has not taken permission from Government as his wife is a Government employee. In this way from the above content F.I.R is being registered u/s 166, 197, 198, 120B IPC and Section 7 (Explanation 2) of Prevention of Corruption Act, 1988 against Shri Bharat

Tehsildar, Madanlal Patwari (petitioner), District Fatehabad, Smt. Sarika w/o Shri Bharat Bhushan r/o Anaj Mandi, Kaithal, Shri Bala Singh and his wife Karamjeet Kaur r/o Ratia.

The role attributed to the petitioner is that he was the official who had changed the nature of land in the revenue record by ignoring the report of earlier officer.

Learned counsel for petitioner submits that the petitioner is in custody since 26.12.2021, investigation is complete. Learned counsel relies upon the fact that co-accused were granted anticipatory bail by this Court.

Learned State counsel opposes the prayer and submits that the petitioner misused his position as Patwari and the nature of land was changed in the revenue record.

Without commenting upon the merits of the case and considering that co-accused were granted anticipatory bail though investigation is complete conclusion of trial is likely to take time, petitioner being a Government official there is apparently no apprehension of his absconding, bail is granted to the petitioner on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

27th April, 2022
reema

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned *Yes*
Whether reportable *No*